IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 21906 of 1997

Between:

1 Gade Ramesh, S/o. Sheshagiri Rao,
R/o. Kakani Nagar, OPP. Rao's Public School, Jaggayyapet,

Krishna District.
2 M.S. Srinivas Rao, Contractor, S/o. Sambasiva Rao,
A-61/8th Street , Krishna District
3 K.Venkateshwer Rao, Contractor, S/o. K.N.Rao,
Jaggaiahpet, Kakaninagar, Krishna District.
4 V.Narsaiah, Contractor, S/o. Narayana,
Madharam, District, Khammam-507122.
5 K.Satyanarayana, Contractor, S/o. Venkaiah,
Madharam, District, Khammam -507122.
6 G.Lokeshwer Rao, Contractor, S/o. Venkat Subbaiah,
Jaggayyapet , Krishna District.
7 B.Venkatesh, Contractor, S/o. Ananathiah,
Jaggaiapet, Krishna District
8 G.V.D. Prasad, Contractor, S/o.Gopal Rao,
Jaggayyapet, Krishna District.

... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep.by its Secretary,
Transport & Buildings, (B.III) Dept. Secretariat, Hyderabad.
2 The Engineer -in - Chief (R&B) Roads and Administrartion,
Erramunzil, Hyderabad.
3 The Engineer-in-chief (Buildings)Roads and Buildings,
Dept., Errammanzil, Hyderabad.
4 The Executive Engineer,
APSRTC Divisional office, Vijayawada-A.P.
5 The General Manager, (Works) Visaka Steel Plant,

'Steel City' Gajuvaka, Vizag.
6 The Director, Of Mines and Geology,
Andhra Pradesh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declaring the G.O.Ms. No. 6, Transport, Roads and Buildings, (B.III) Department Dt. 12-1-1996 as illegal, arbitrary and irrational and consequently direct the respondents to restore the old procedure for recovering the seigniorage charges from the bills of the contractors executed to the respective respondents in accordance with the G.O. Ms.No. 205, Transport Roads, 'Buildings, (B.III) Department, Dated 8-10-1993.

Counsel for the Petitioner: MR.J. Ch. Y. Narasimham
Counsel for the Respondents: The Government Pleader for Transport (R & B)
Counsel for the Respondent No.5: Mr. V. Ravinder Rao

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents.

2. It is submitted by the learned Government pleader and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998.

3. In the circumstances, following the common order of this Court in W.P. No.7456 of 1998 and batch, dated 07-10-1998, this writ petition is dismissed for the same and similar reasons. No costs.

4. However, it is made clear that the conditions stipulated in
G.O. Ms. No.6, dated 12-01-1996 are applicable only in respect of the contracts for

which the agreements are executed on or after 12-01-1996, and the works covered prior to that date shall be processed under G.O. Ms. No.205, dated 08-10-1993. If the petitioner had already drawn his bills pending payment of seigniorage fee, he shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioner failed to comply with the condition, he shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12-01-1996, within a period of six weeks from today.

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N.V. RAMANA, J

March 21, 2005

MRR

Copy to. -

1 The Secretary, Govt. of Andhra Pradesh,
Transport & Buildings, (B.III) dept. Secretriat, Hyderabad.
2 The Engineer -in - Chief (R&B) Roads and Administrartion,
Erramunzil, Hyderabad.
3 The Engineer-in-chief (Buildings)Roads and Buildings,
Dept., Errammanzil, Hyderabad.
4 The Executive Engineer,
APSRTC Divisional office, Vijayawada-A.P.
5 The General Manager, (Works) Visaka Steel Plant,
'Steel City' Gajuvaka, Vizag.
6 The Director, Of Mines and Geology,
Andhra Pradesh, Hyderabad.

7 Two C.C. s to the Government Pleader for Transport (R &B), High court of A.P.,

Hyderabad (OUT)

Two C.D. Copies.

Enclosed along with a copy of the order dated 07-10-1998 in W.P.No. 7456 of 2004 – R1 to R7.

*Form-NIC-OGS/WP {**ANURADHA**}*